

Member will vote against House Joint Resolution 62.

Mr. CANADY of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The Chair has been advised that the gentleman from Missouri [Mr. GEPHARDT] will not be offering an amendment.

Pursuant to House Resolution 113, the previous question is ordered on the joint resolution, as amended.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 233, nays 190, not voting 9, as follows:

[Roll No. 78]

YEAS—233

Aderholt	Davis (VA)	Hulshof
Andrews	Deal	Hunter
Archer	DeLay	Hutchinson
Army	Diaz-Balart	Hyde
Bachus	Dickey	Inglis
Baker	Doolittle	Istook
Ballenger	Dreier	Jenkins
Barcia	Duncan	John
Barr	Dunn	Johnson, Sam
Barrett (NE)	Ehlers	Jones
Bartlett	Ehrlich	Kasich
Barton	Emerson	Kelly
Bass	English	Kim
Berry	Ensign	King (NY)
Bilbray	Etheridge	Kingston
Billakis	Everett	Klug
Bliley	Ewing	Knollenberg
Blunt	Fawell	Kolbe
Boehner	Foley	LaHood
Bonilla	Forbes	Largent
Bono	Fowler	Latham
Brady	Fox	LaTourrette
Bryant	Franks (NJ)	Lazio
Bunning	Frelinghuysen	Leach
Burr	Gallegly	Lewis (KY)
Burton	Ganske	Linder
Buyer	Gekas	Livingston
Callahan	Gibbons	LoBiondo
Calvert	Gilman	Lucas
Camp	Goode	Maloney (CT)
Canady	Goodlatte	Manzullo
Cannon	Goodling	McCarthy (NY)
Castle	Gordon	McCollum
Chabot	Goss	McCrery
Chambliss	Graham	McDade
Chenoweth	Granger	McHugh
Christensen	Green	McInnis
Coble	Greenwood	McIntosh
Coburn	Gutknecht	McIntyre
Collins	Hall (TX)	McKeon
Combest	Hansen	Metcalfe
Condit	Harman	Mica
Cook	Hastert	Miller (FL)
Cooksey	Hastings (WA)	Molinari
Cox	Hayworth	Moran (KS)
Cramer	Hefley	Myrick
Crane	Herger	Nethercutt
Crapo	Hilleary	Neumann
Cubin	Hobson	Ney
Cunningham	Hoekstra	Northup
Danner	Horn	Norwood

Nussle	Ros-Lehtinen	Souder
Oxley	Royce	Spence
Packard	Ryun	Stearns
Pallone	Salmon	Stump
Pappas	Sanchez	Sununu
Parker	Sandlin	Talent
Paul	Sanford	Tauzin
Paxon	Saxton	Taylor (MS)
Pease	Scarborough	Taylor (NC)
Peterson (MN)	Schaefer, Dan	Thomas
Peterson (PA)	Schaffer, Bob	Thornberry
Petri	Sensenbrenner	Thune
Pickering	Sessions	Tiahrt
Pitts	Shadegg	Trafigant
Pombo	Shays	Upton
Portman	Sherman	Wamp
Pryce (OH)	Shinkus	Watkins
Quinn	Shuster	Watts (OK)
Radanovich	Skeen	Weldon (FL)
Ramstad	Skelton	Weldon (PA)
Regula	Smith (MI)	Weller
Riggs	Smith (NJ)	White
Riley	Smith (OR)	Whitfield
Roemer	Smith (TX)	Wicker
Rogan	Smith, Linda	Wolf
Rogers	Snowbarger	Young (AK)
Rohrabacher	Solomon	

NAYS—190

Abercrombie	Gonzalez	Murtha
Ackerman	Gutierrez	Nadler
Allen	Hall (OH)	Neal
Baessler	Hamilton	Oberstar
Baldacci	Hastings (FL)	Obey
Barrett (WI)	Hefner	Olver
Bateman	Hill	Ortiz
Becerra	Hilliard	Owens
Bentsen	Hinchey	Pascarell
Bereuter	Hinojosa	Pastor
Berman	Holden	Pelosi
Bishop	Hooley	Pickett
Blagojevich	Hostettler	Pomeroy
Blumenauer	Houghton	Porter
Boehlert	Hoyer	Poshard
Bonior	Jackson (IL)	Price (NC)
Borski	Jackson-Lee	Rahall
Boswell	(TX)	Rangel
Boucher	Jefferson	Reyes
Boyd	Johnson (CT)	Rivers
Brown (CA)	Johnson (WI)	Rothman
Brown (FL)	Johnson, E. B.	Roukema
Brown (OH)	Kanjorski	Roybal-Allard
Campbell	Kaptur	Rush
Capps	Kennedy (MA)	Sabo
Cardin	Kennedy (RI)	Sanders
Carson	Kennelly	Sawyer
Clay	Kildee	Schumer
Clayton	Kilpatrick	Scott
Clement	Kind (WI)	Serrano
Clyburn	Klecza	Shaw
Conyers	Klink	Sisisky
Coyne	Kucinich	Skaggs
Cummings	LaFalce	Slaughter
Davis (FL)	Lampson	Smith, Adam
Davis (IL)	Lantos	Snyder
DeFazio	Levin	Spratt
DeGette	Lewis (GA)	Stabenow
Delahunt	Lipinski	Stark
DeLauro	Lofgren	Stenholm
Dellums	Luther	Stokes
Deutsch	Maloney (NY)	Strickland
Dicks	Markey	Stupak
Dingell	Martinez	Tanner
Dixon	Mascara	Tauscher
Doggett	Matsui	Thompson
Dooley	McCarthy (MO)	Thurman
Doyle	McDermott	Tierney
Edwards	McGovern	Torres
Engel	McHale	Turner
Eshoo	McKinney	Velazquez
Evans	McNulty	Vento
Farr	Meehan	Visclosky
Fattah	Meek	Walsh
Fazio	Menendez	Waters
Filner	Millender	Watt (NC)
Foglietta	McDonald	Waxman
Ford	Miller (CA)	Wexler
Frank (MA)	Minge	Weygand
Frost	Mink	Wise
Furse	Moakley	Woolsey
Gejdenson	Mollohan	Wynn
Gephardt	Moran (VA)	Yates
Gillmor	Morella	Young (FL)

NOT VOTING—9

Costello	Lewis (CA)	Payne
Flake	Lowey	Schiff
Gilchrest	Manton	Towns

□ 1901

Mr. MENENDEZ, Ms. HOOLEY of Oregon, Mr. WYNN, and Mr. VISCLOSKY changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore (Mr. LUCAS of Oklahoma) laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,

HOUSE OF REPRESENTATIVES,

Washington, DC, April 14, 1997.

Hon. NEWT GINGRICH,

Speaker of the House of Representatives,

The Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby resign as a member of the House Committee on Small Business.

Sincerely,

WALTER B. JONES,

Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

□ 1215

#### INDEPENDENT COUNSEL STATUTE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute, revise and extend her remarks and include therein extraneous material.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I too rise today to salute the great American Jackie Robinson and hope that we all will recognize the great step he made for all of us.

It is because of that reason that I also rise to speak to the decision made by the of the United States of America, Janet Reno. She made that under cover of law and under the respect of the Independent Counsel Act, which first of all says that, only if there are sufficient allegations of criminal activity by a public person such as President, Vice President, Cabinet member or others, should there be an independent counsel appointed. And second, if there is sufficient evidence of criminal activity by those covered persons and there is an apparent conflict in the Justice Department, should the Justice Department not be the one to investigate.

Clearly, Mr. Speaker, there has been no evidence of intentional criminal activity or criminal activity of any kind by a Cabinet member, President or Vice President of the United States with respect to campaign fundraising. There is also no question that Janet Reno and the Justice Department have the integrity to investigate. Stop this frivolity, stop following around and let us go on with the people's business. Let

the Justice Department investigate as they have been doing.

Mr. Speaker, I rise to speak on the request of the majority party's request for the Attorney General to appoint an independent counsel to investigate possible fundraising violations in connection with the 1996 Presidential campaign. The Independent Counsel Act sets forth very clear circumstances in which an independent counsel may be appointed.

First, if there are sufficient allegations of criminal activity of a covered person and if there are sufficient allegations of criminal activity by a person other than a covered person, and then an investigation or prosecution of that person by the Department of Justice may result in a conflict of interest, and independent counsel may be appointed. There must be specific and credible evidence. I urge my colleagues to read the statute which makes this quite clear. The Attorney General has already convened a task force that will investigate Democratic campaign fundraising. This does not call for an appointment of an independent counsel and the Attorney General's decision should be respected on this matter by all Members of Congress.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

[Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

#### WETLANDS RESTORATION AND IMPROVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I rise today to announce the introduction of H.R. 1290, the Wetlands Restoration and Improvement Act. This legislation builds upon the mitigation banking bill I introduced last year and also the Federal guidance which was issued in 1995.

My eastern North Carolina district includes a majority of the coast and four major river basins; specifically, 65 percent of the land can be classified as wetlands. The citizens are directly affected by wetlands and the numerous regulations that protect the wetlands. I have been contacted by farmers, business owners and State and local officials, landowners and even the military for advice and guidance in hopes of reaching a balance between protecting these valuable wetlands and improving water quality but also allowing for eco-safe development.

Quite frankly, these different opinions have led to years of confrontation instead of reaching common sense solutions. I believe that in order to make

progress we need cooperation instead of confrontation. It is time to find a middle ground on which everyone can agree on and everyone can win.

This commonsense approach is mitigation banking.

Mitigation banking is a concept embraced by regulators, developers and the environmental community. It is a balanced approach to improving the wetland mitigation process. Mitigation banking recognizes the need to protect our wetlands resources while balancing the rights of property owners to have reasonable use of their properties.

Wetlands mitigation banking allows private property owners to pay wetlands experts to mitigate the impact their development has on wetlands. Those experts working with regulators do the mitigation in banks of lands which are set aside and restored to wetlands status.

Years ago the Federal Government adopted a no-net-loss wetlands policy. Due to the belief at the time that a majority of the Nation's wetlands had been destroyed, a whole system of regulations were designed to stop further destruction of our wetlands, one part being the requirement of a landowner to mitigate his or her wetland damage.

Quite frankly, traditional mitigation is not working. It is too expensive, time consuming and ineffective. Approximately 90 percent of onsite mitigation is unsuccessful.

Mr. Speaker, unlike other mitigation projects, mitigation banks are complete ecosystems. Regulators usually require that more wetlands be restored in a bank than are destroyed in a project. So instead of only trying to protect remaining wetlands, with mitigation banking we are actually increasing wetland acreage.

What is more, because the mitigation banks give economic value to wetlands, potentially billions of private sector dollars could flow into restoring wetlands and sensitive watersheds.

However, Federal legislation is needed. Mr. Speaker, mitigation banking has been occurring but is very limited because regulators have no statutory guidance. Also, investors are hesitant to invest the money needed to restore wetlands without legal certainty.

The Wetlands Restoration and Improvement Act will give wetlands mitigation banking the statutory authority it needs to flourish, and it will begin restoring the wetlands that many thought were lost forever.

Specifically, the legislation requires the banks to meet rigorous financial and legal standards to ensure that the wetlands are restored and preserved over a long time, provides for ample opportunity for meaningful public participation, and, third, the bank itself has a credible long-term operation and maintenance plan.

This legislation can and should be a bipartisan effort to ensure that in the next century we will do what we have to do in order to protect valuable wetlands. I hope my colleagues will join

me, Mr. Speaker, in supporting this bill.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

[Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

[Mr. GEKAS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 5 minutes.

[Mr. NEUMANN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

#### LINE-ITEM VETO IS UNCONSTITUTIONAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PAUL] is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I appreciated very much the remarks made by the previous speaker regarding Jackie Robinson. I think it would be interesting to note that the great achievement of Jackie Robinson all occurred prior to affirmative action, and I think that should be noted.

Today, though, I would like to spend a few minutes talking about the courts. I have been a strong critic of the courts, especially the Federal courts, because so often the Federal courts seem to be unconcerned about the Constitution, and so often they do a lot more legislation than they should.

Last week there was a court ruling that I was very pleased with, and I believe they deserve a compliment. There was a Federal court judge by the name of Thomas Jackson last week in the district court who ruled that the line-item veto was unconstitutional. Simply put, he said, it was unconstitutional because it delegated too much powers to the President. It was clear in the Constitution that the powers to legislate are given to the Congress. So I am very pleased to see this ruling and to compliment him on this.

To me, it was an astounding event really to see so many a few years back pass the legislation that gave us the line-item veto, and so often the proponents of the line-item veto was made by individuals who claimed they were for limited government. But this item, the line-item veto really delegates way too much power to the President, is unconstitutional, and if we believe in limited government, we ought to believe